

BEFORE THE SURFACE TRANSPORTATION BOARD

THE CITY OF CHICAGO, ILLINOIS -

ADVERSE ABANDONMENT -

CHICAGO TERMINAL RAILROAD IN
CHICAGO, ILLINOIS

226644

Docket No. AB-1036

ENTERED
Office of Proceedings

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Public Record

COMMENTS ON APPLICATION FOR ADVERSE ABANDONMENT

I, Andrew Morris, an individual resident of the City of Chicago, wish to make the following comments upon the application of the City of Chicago ("City") in the above-captioned matter

General

My home address is 4109 West Crystal Street, Chicago, Illinois, 60651. I am employed as a construction standards engineer by Commonwealth Edison Company, Two Lincoln Centre, Oakbrook Terrace, Illinois.¹ I do not use the line in question, nor do I represent any particular group or public interest in this matter.

On February 7, 2010, I personally surveyed the branches of the Chicago Terminal Railroad ("Railroad") proposed for abandonment in order to evaluate the arguments advanced by the City in support of its application. For the reasons detailed below, I support the abandonment of a portion of the Lakewood branch segment proposed for abandonment, but I oppose the abandonment of the portion of the Kingsbury branch named in the application.

¹ In accordance with the Illinois Standards of Professional Conduct for Licensed Professional Engineers, 68 Ill. Adm. Code 1380.300(c)(3), I state that all of the following comments are made on my own behalf and not on behalf of Commonwealth Edison Company.

Survey of Railroad Lines

Kingsbury Branch

The Kingsbury Branch, as previously noted in this proceeding², originates immediately north of the intersection of Willow and Kingsbury Streets, and proceeds south generally in the center of Kingsbury Street to a terminal at about the intersection of Kingsbury, Halsted and Division Streets

The area of the north end of the line is primarily zoned "PD," permitting planned developments, and is currently occupied mostly by commercial and retail buildings including a Best Buy electronics store and some similar stores³. South of North Avenue, the east side of Kingsbury Street is zoned for commercial use while the west side continues to be zoned for planned development until Blackhawk Street, where the west side also becomes zoned for commercial use. The west side contains the Whole Foods complex and Fantasy Kingdom referred to by the City.⁴ It also contains the Carbit Paint factory building at 1440 North Kingsbury.

At Evergreen Avenue, about 0.56 mile south of the north end of the branch, and south to beyond the end of the branch at Division Street, the west side of Kingsbury Street is zoned for manufacturing use. This area is the vacant rectangular parcel referred to in the City's application.⁵ The east side of Kingsbury is zoned for manufacturing from about Division Street north to a point north of Scott Street. This area is occupied by a

² Application (Verified Statement of Paul Zalmezak) at 6-8

³ This and following descriptions of the area's zoning are taken from the City's online zoning ordinance maps at <http://maps.cityofchicago.org/website/zoning/liability.html>, updated through December 3, 2009, retrieved February 7, 2010

⁴ Application (Verified Statement of Paul Zalmezak) at 7

⁵ Application (Verified Statement of Paul Zalmezak) at 17

Mobil gasoline station on the south, and Chicago Firewood (a firewood storage yard) on the north. See Figure 1, Appendix A.

Lakewood Branch

The Lakewood Branch crosses Clybourn Avenue after passing through a parking lot between a small shopping center, containing a Men's Wearhouse clothing store among other tenants, and the Anixter Center, which is a healthcare facility North of Clybourn Avenue, it immediately enters the parking lot of a shopping center anchored by a Treasure Island Market grocery store and containing other small tenants, some of which front onto the railroad⁶ This shopping center is in a planned development zone bounded on the north by Webster Street⁷ See Figure 2, Appendix A

North of Webster Street, the railroad enters what is apparently private right-of-way (i.e., not in public streets) passing through a primarily residential district. With the exception of a narrow parcel zoned for manufacturing and used for parking, lying west of the railroad and south of Belden Avenue, the entire vicinity is zoned for residential development until the railroad crosses Fullerton Avenue, about 0.41 miles north of Clybourn Avenue.

At this point, the railroad enters the parking lot of the Lakeshore Athletic Club, which lies in a manufacturing district between Fullerton Avenue and Altgeld Street North of Altgeld, the railroad passes through a satellite parking lot for Lakeshore Athletic Club, which extends to about halfway between Altgeld Street and Wrightwood Avenue and lies in a planned development zone Cars are routinely parked on the railroad in both

⁶ Some maps, such as on Google Maps, show this as Nursery Street, but this designation does not appear on the City's published zoning maps

⁷ Again, this and the following zoning descriptions are taken from the City's online zoning ordinance maps at <http://maps.cityofchicago.org/website/zoning/liability.html>, updated through December 3, 2009, retrieved February 7, 2010.

lots and there do not appear to be any controls in place (such as signs or guard rails) to prohibit this practice. See Figure 3, Appendix A.

North of the Lakeshore Athletic Club satellite lot, there is a temporary construction fence in place across the railroad. At this point, the railroad re-enters residential districts (with sporadic manufacturing zones that primarily contain uses accessory to the residential district, such as parking and taverns). North of Wrightwood Avenue, the railroad enters Lakewood Street and continues north in Lakewood Street, terminating on the south side of Diversey Street adjacent to two large and now-vacant lots. The vacant lot west of the railroad is signed to advertise that townhouses are under construction on the site. The lot east of the railroad also appears to be in preparation for construction, and is zoned residential, but no advertisement or other information is posted on-site to indicate what is planned. The track in Lakewood Avenue at this point is visibly deteriorated. See Figure 4, Appendix A.

Argument

1 The City's Stated Decisional Standard is Appropriate

In its Legal Argument section, the City refers to *Denver & Rio Grande Railway Historical Foundation Adverse Abandonment - in Mineral County, CO* (STB Docket No. AB-1014, decision served May 23, 2008) ("*Denver & Rio Grande*") in stating that the Board's standard governing an application for adverse abandonment is applied by considering "(1) whether there is a present or future public need for rail service over the line, and (2) if so, whether that need is outweighed by other interests" ⁸

I have no quarrel with this general description of the Board's standard. It is clear that the responsibility of the board, as stated at 49 USC §10903(d), is to determine

⁸ Application at 109 (emphasis omitted)

whether the public convenience and necessity require or permit the abandonment of the railroad. It is also clear that public policy requires the Board to minimize the need for Federal regulatory control over rail transportation.⁹ In a normal abandonment case, this translates to the Board exercising its control to prohibit abandonment only where the public interest overrides the strong interest in leaving management of the railroad in its own hands.

An adverse abandonment case, in contrast, invokes the power of the Board to overrule railroad management's discretion by declaring that management's desire to continue operation of a line is contrary to the public convenience and necessity, and therefore that continued operation of the line is impermissible, or at least not necessary. Under this circumstance, the initial burden lies with the applicant to prove that the public convenience and necessity require or permit abandonment or discontinuance of service.¹⁰ Therefore, the City, as applicant, must first demonstrate either that there is no present or future need for service over the line, or else that other interests outweigh what need exists.

Taking this as the appropriate standard for consideration of the City's application, I turn to the merits of the application.

2 There Is No Present or Reasonably Possible Future Public Need For Rail Service On Portions Of The Lakewood Branch

It is undisputed that there are currently no rail customers served by the Lakewood branch. While it appears from the City's Application (at 16) that the last two major customers on this line (Peerless Confection and Wonder Bread) were located north of Fullerton Avenue, both properties are now vacant, and (as noted by the City) both parcels

⁹ 49 USC §10101(2)

¹⁰ *Western Stock Show Assn.- Aban. Exemption- In Denver, CO.*, 1 S.T.B. 131

are now zoned exclusively for residential use. There are a number of small manufacturing zones along the line, particularly at the intersection of Schubert and Lakewood Avenues, but as noted above, these seem to be used primarily for taverns, parking, and other uses not likely to generate any rail traffic.¹¹ (See Figure 4, which illustrates this specific intersection.) All of the remaining zones along and within a half-mile of the Lakewood branch are either residential, business/commercial, or planned development (which is overwhelmingly residential or commercial in nature).

Furthermore, even if the Lakewood branch were to be extended along Lakewood Avenue,¹² it would continue to serve an overwhelmingly residential area until it reached Belmont Avenue, about a half mile away, and even then would only reach an area containing commercial and light industrial property.

The nearest industrial districts to the Lakewood branch of any size are located near Ashland Avenue, generally between Schubert Avenue on the south and George Street on the north. These, too, are in the process of converting to residential and light commercial uses; even if they were not, they appear to be much more convenient to the Union Pacific Railroad line running east of Honore Street.

It is clear that, under the current zoning plan, there is no reasonable prospect for any future rail shipping or receiving on the Lakewood line. It would require a significant change in the zoning scheme to allow any industrial or heavy commercial development

¹¹ Although, as I will discuss in more detail below, the M-class zoning on these parcels does not absolutely forbid uses that would generate rail traffic, each of the five lots involved appear to be about 25 by 125 feet, which is highly unlikely to be large enough to generate any useful traffic even if their uses changed.

¹² On information and belief, the Lakewood branch formerly ran along this route, generally in Lakewood Avenue, ultimately joining what is now the Chicago Transit Authority's North Side Main Line (Red and Purple Lines) north of Lawrence Avenue.

along the line, such that the line would serve a public need. Given the recent and continuing trend toward residential-focused development in the area, it is pure speculation to believe that any future public need for rail service will develop along the line.

3 Alternatively, Other Interests Outweigh the Need for Continued Service on Portions of the Lakewood Branch.

Even assuming that there is some future need for rail service on the Lakewood branch, there are other reasons to recommend its abandonment, at least in part.

As noted above, the Lakewood branch runs through the parking lot of the Lakeshore Athletic Club, located north of Fullerton Avenue. The parking lot of the club is very narrow, as shown in Figure 3, and the trackway is used for parking automobiles. If the railroad were in service, it would be necessary for about 30 autos to be parked either in the satellite lot north of the Club, which itself depends on the trackway for a part of its capacity, or on the surrounding streets. Parking in the surrounding neighborhood, as in most residential areas on Chicago's north side, is extremely limited. Forcing out 30 cars onto the surrounding streets will add to the parking congestion, burdening the neighborhood far beyond what will be relieved by any likely continuation of rail service.

South of Fullerton Avenue, however, the same public interest factors do not apply. Aside from a short segment immediately north of Clybourn Avenue that passes through the parking lot of a shopping center, the line between Clybourn and Fullerton appears to run on private right-of-way. At any rate, the tracks do not run in Lakewood Avenue at this point, and the City's stated concerns about the cost of repairing Lakewood Avenue are irrelevant to this segment. Furthermore, in stark contrast to the tracks north of

Fullerton Avenue, those south of Fullerton appear to be reasonably well maintained and suitable for use

Considering these points, it is clear that there are significant public safety and convenience concerns that clearly outweigh the meager (at best) reasonable need for future rail service north of Fullerton Avenue; however, the same concerns do not apply south of Fullerton Avenue

4. The Claim That the Kingsbury Branch Serves No Public Need Is Speculative

In contrast to the Lakewood branch, the Kingsbury branch runs through a much more varied territory, and it is not so clear that the potential for public use is gone. While the area surrounding the intersection of Kingsbury and North Avenues is now, as already noted by both the City and the Railroad, very retail-oriented, the south end of Kingsbury¹³ has not undergone the same transformation. As noted above, the zoning on the south end of the branch leans more toward industrial uses than commercial. Much of the property so zoned, however, is currently vacant, so there is no definite way of knowing, one way or the other, what effect this has on the Railroad's prospects.

The City dismisses as unmerited the Railroad's argument that "'Kingsbury is zoned for development that could include rail-oriented businesses,'" simply by stating that these properties are not in a Planned Manufacturing District.¹⁴ The City is factually correct, but misrepresents the significance of this fact. Assuming that both arguments are focused on the industrially zoned properties at the south end of the Kingsbury Branch, the

¹³ For the sake of clarity, I should point out that Kingsbury Street is not open entirely southeast to Division Street as has been implied throughout the proceeding. Instead, it ends at Scott Street, about one block north of Division. The Kingsbury Branch, however, appears to extend to Division either in a vacated or closed street or on entirely private right-of-way.

¹⁴ Application at 113-114, citing to CTM Response, Ellis Aff' At 4

properties in question are zoned M2-3 on the east side of the street, and M3-3 on the west side. Per the Chicago Zoning Ordinance, an M2 zone¹⁵ is considered a “Light Industry District,” with a primary purpose of accommodating “moderate-impact manufacturing, wholesaling, warehousing and distribution uses, including storage and work-related activities that occur outside of enclosed buildings.”¹⁶ An M3 zone is considered a “Heavy Industry District” accommodating “high-impact manufacturing and industrial uses, including extractive and waste-related uses.”¹⁷ Permitted uses in both zones include building material sales, contractor and construction storage yards, general manufacturing, certain classes of recycling facilities, warehousing, wholesaling, and freight movement (including freight terminals).¹⁸ Plainly, many of the uses permitted in an M2 or M3 zone are those associated with rail-oriented users, particularly warehousing and freight movement. While it is true that many of the same uses would be permitted by right within PMDs 1 and 3¹⁹, which are the nearest planned manufacturing districts, there is nothing special about the PMDs in this regard: their permitted uses, for the most part, track those permitted in the M2 and M3 zones.

Furthermore, the City asserts that these two parcels are zoned for “commercial office, light industrial, or retail uses.”²⁰ As explained above, in fact, only one parcel (the one on the east side of Kingsbury) is zoned “Light Industrial,” and even that is so named

¹⁵ Chicago zoning symbols are composed of a district symbol (such as “M2”) and a bulk designation suffix (such as “-3”). The bulk designation is not relevant to this discussion.

¹⁶ Chicago Municipal Code, sect. 17-5-0103.

¹⁷ Chicago Municipal Code, sect. 17-5-0104.

¹⁸ Chicago Municipal Code, sect. 17-5-0207. It should also be noted that the current uses of these parcels—a filling station on the east, and a non-accessory parking lot on the west—are only permitted in these zones as special uses and require specific approval.

¹⁹ Chicago Municipal Code, sect. 17-6-0403-F.

²⁰ Application at 114.

only in distinction from the M3 “Heavy Industrial” zoning across the street. The City’s zoning code distinguishes the two merely by prohibiting certain obnoxious industrial uses, such as the manufacture of acetylene, chlorine, poisons or explosives, in light industrial zones. In both M2 and M3 zones, furthermore, office usage is limited to 9,000 square feet or as an accessory to another industrial use, and retail use is restricted to sales of goods produced on-site (as, for example, a factory outlet store).²¹ The City is therefore factually wrong in claiming that there is no way under present zoning for a rail user to locate itself on the Kingsbury Branch.

The City also speculates that meaningful development is impossible on these two parcels.²² It claims that one parcel is too small for any significant industry, and that the other has been unsuccessful in attracting a buyer. The City ignores the possibility of obtaining a creative proposal for manufacturing (or another rail-friendly use) on this property. Certainly, any such user would have to be housed in an oddly-shaped building in order to conform to all of the restrictions on the sites. This hardly serves as an argument for terminating rail service, particularly in an urban environment where fitting the lot is an unavoidable cost of development anyway.

Clearly, the Railroad’s claims of the potential for future customers are also speculative since, other than Chicago Firewood, there simply are no customers, and only one existing building (Carbit Paint) equipped for direct rail service,²³ along the line at this

²¹ Chicago Municipal Code, sect. 17-5-0207

²² Application at 114

²³ The Carbit Paint Factory, at 1440 North Kingsbury, is zoned C3-5, permitting commercial and limited industrial uses. The C3-5 zone is primarily intended as a buffer between manufacturing and other zones (see Chicago Municipal Code, section 17-3-0107-A). The Carbit Paint building itself is designated on the Chicago zoning map as an

time There is no disagreement on that point. However, the Board has “historically denied adverse abandonment applications if there is a potential for continued operations and the carrier has taken reasonable steps to attract traffic.”²⁴ There clearly is the potential for continued operation over the line, given that the line is apparently open and passable, there is no absolute bar to the development of new traffic along the line, and there is a carrier ready, willing and able to operate over it. The question then becomes whether the carrier has taken reasonable steps to attract traffic.

Neither side seems to have addressed this point directly, though CTRR’s president asserts that the railroad is “working aggressively to market these locations [along the Kingsbury and Lakewood Branches] to potential customers.”²⁵ Both sides acknowledge, furthermore, that CTRR arranged a test shipment of firewood for a company on Kingsbury, with CTRR claiming that the shipment was a demonstration of rail’s practicality for this customer and the City countering that an isolated test shipment does not establish a continued need for rail service.

One thing must be clear, however, and that is simply that there is little traffic that can be attracted to the line now, simply because segments of it have been developed for uses that do not ship or receive significant amounts of freight (such as a school and an office building) and other parts are vacant. With that being the case, it seems that the bar should be set rather low for judging the railroad’s efforts to attract traffic. While the

Orange-coded property, indicating that it has architectural significance and restricting the ability to demolish and redevelop the site. Carbit Paint is shown in Figure 5, Appendix A.

²⁴ *Seminole Gulf Railway, L.P. - Adverse Abandonment*. In *Lee County, FL*, at 5. ____ STB ____, STB Docket AB-400 (Sub-No. 4), decision served November 17, 2004 (“*Seminole Gulf*”).

²⁵ Response of Chicago Terminal Railroad (June 30, 2009), Affidavit of Edwin E. Ellis at 2.

railroad might be able to market itself more aggressively or creatively, perhaps by soliciting business from Whole Foods or one of the other large retailers in the area, for example, it seems unreasonable and inconsistent with existing transportation policy to demand that it either pursue unlikely or not-yet-existing marketing possibilities, or give up its operations permanently

It would, of course, be helpful for the railroad to give more details of its supposedly “aggressive” marketing. While it may not be reasonable to expect the railroad to develop vacant lots on its own for the purpose of generating traffic, it is completely reasonable that it should demonstrate some good faith efforts proportional to its market.

5. The Cost of Repaving is Significant to This Proceeding, But Not Conclusive.

The City’s next claim, that the additional cost of maintaining the railroad’s presence in city streets during their reconstruction is a sufficient (or at least compelling) public burden to justify abandonment, falls short. While the public expense incurred to maintain an existing railroad in a street is an important factor to be weighed in judging the public interest in maintaining or abandoning the line, it is hardly conclusive, and where otherwise appropriate, the Board has previously rejected similar arguments. See *Seminole Gulf* at 5 (“[Petitioner’s] interest here is to complete its planned highway project at the lowest possible cost. But given the evidence before [the Board, it] cannot conclude that the relief [Petitioner] seeks outweighs the public interest in potential rail service on this line.”)

In this case, as noted above, continued service on the Lakewood branch north of Diversey Avenue does not appear economically feasible or to serve the public, due to impending changes in land usage, and on this basis alone it appears that abandonment of that segment, which contains most of the in-street track on the branch, is justified

Avoiding unnecessary public expense is certainly an additional factor in favor of abandonment of that segment, however, in the absence of the City's completed rezoning of the surrounding area, and the resulting change to land uses unsuitable for generation of rail traffic, it would not by itself justify abandonment.

Likewise, on the Kingsbury branch, avoiding the expense of rebuilding the street in a way that preserves the rail service in it would be convenient for the City (and its residents as taxpayers), but that consideration is of such little weight in comparison to the core issues of the line's potential for traffic and the carrier's activity in attracting it that it is of no effect

The City's citation²⁶ of *Purcell v. United States* (315 U S 381 (1942)) is inapposite on its face. There, the question (as described by the City in its Application) was whether an adverse abandonment in the nature of an eminent domain action must be conditioned on relocation of the condemned line, a condition that the Interstate Commerce Commission, and subsequently the Supreme Court, refused to impose. While this citation would be convincing in arguing that the City should not be obligated to relocate either line out of the street as a condition of abandonment, that is not the substance of the City's application, nor does the Railroad appear to demand it. Rather, the City asks the Board to permit abandonment of the line outright. The City is not faced with a situation in which the Board proposes to impose a new and significant cost upon it, but rather, one in which it may be able to avoid a cost with the Board's permission. The Board has no authority to require the City to reconstruct its street, nor is the economic advisability of the City's street construction before the Board, and so the Court's

²⁶ Application (Legal Argument) at 118

statement that the Commission (and by implication the Board) has power to refrain from requiring a wasteful expenditure of public funds is beside the point.

6. Safety and Maintenance Issues are Not Relevant to This Proceeding

Next, the City argues that the presence of the tracks in the street creates an unsafe condition. Again, the City argues that this factor is a bolstering factor in favor of abandonment.

The City's testimony in favor of this factor is built primarily on hearsay and vague statements, consisting of a verified statement by a City official (Mr. Alonzo, in his Verified Statement, Application at 95-96) that refers to a letter sent by a local resident to the local alderman, neither of whom give verified statements of their own in the City's application attesting to the conditions described, and refers vaguely to "numerous" complaints, injuries and property damage incidents caused by the conditions of the track. Ignoring this deficiency, issues of the track's safety and maintenance are not properly the domain of the Board.

Certainly, a lack of maintenance on a railroad is relevant to an adverse abandonment application to the extent that it indicates a lack of interest by a carrier in continuing operations, or in the extreme, a practical lack of ability to continue operations. Neither condition has been alleged here. Beyond these points, the matter of railroad safety is the domain of the Federal Railroad Administration (and, in some areas, the Illinois Commerce Commission) and any complaints regarding the condition of the railroad's facilities should be directed to them for resolution, particularly when abandonment is not the only practical option for resolving the problem.

This is not in any way meant to excuse the railroad from maintaining its facilities in a reasonably safe condition. The Railroad should be keenly aware that the condition of

its facilities, at the least, reflects on its interest in maintaining service as suggested above, and furthermore that failing to maintain its railroad where it is legitimately exposed to the public (as at grade crossings and in street trackways) exposes the Railroad to potentially severe liability .

7 Allowance Should Be Made for Future Changes in The Public Need for Service

While this answers the City's argument for adverse abandonment, one final issue should be addressed in the course of this proceeding. All parties agree that the land use patterns around the Kingsbury and Lakewood branches are changing dramatically. While in these Comments, I have attempted to make a case that these changes are not by themselves sufficient (for the most part) to justify adverse abandonment, much of this case has been premised on the possibility that traffic may be developed on the segments concerned. This is admittedly a possibility only, and not by any means certain; the only certain thing about it is that changes will continue in the areas served by these segments.

Should those changes be such as to eliminate the public interest in continued rail service over these segments, it would be inappropriate for the Board's decision to stand in the way of what would then be proper grounds for abandonment. Therefore, the Board should, in its final order, set forth the conditions on which the continued public interest in service are based, and should permit either the railroad or an adverse party to file a subsequent application for abandonment in the event that those conditions fail.

8. Conclusion

For all of the foregoing reasons, the Board should find that:

- a the present and future public convenience and necessity permit and require abandonment of the Lakewood branch north of Diversey Avenue, in that there is no reasonable possibility of traffic development in that area and

the City's interest in maintaining its streets at the least practical cost outweighs any speculative chance of traffic developing, and that the Application for Adverse Abandonment should be granted as to that portion;

- b the future public convenience and necessity do not require abandonment of the Lakewood branch south of Diversey Avenue, in that the City's interest in minimizing its street maintenance costs do not apply to that segment, and that the Application should be denied as to that segment,
- c. the future public convenience and necessity do not permit abandonment of the Kingsbury branch, in that there is a reasonable possibility of traffic development on the south end of the branch and in that the Railroad has made reasonable efforts to develop traffic, and that the Application for Adverse Abandonment should be denied as to those portions,
- d any order is made without prejudice to the Railroad's (or an adverse party's) ability to apply for abandonment of these segments in the future if circumstances change.

All of which is

Respectfully submitted,



ANDREW MORRIS
4109 West Crystal Street
Chicago, IL 60651-1833
(773) 276-1326,
upon his own behalf.

APPENDIX A: FIGURES



Figure 1: South End of Kingsbury Branch



Figure 2: Lakewood Branch Through Treasure Island Shopping Center



Figure 3: Lakeshore Athletic Club Parking Lot. Looking South from Altgeld St.



Figure 4: Uneven tracks on Lakewood Avenue, Looking North toward Schubert Av.



Figure 5: Carbit Paint, 1440 N. Kingsbury St.

VERIFICATION

I, Andrew Morris, declare and verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file these comments

EXECUTED ON ~~(date)~~ March 12, 2010

A handwritten signature in black ink, appearing to read "Andrew Morris", is written over a horizontal line.

Andrew Morris

CERTIFICATE OF SERVICE

I certify that I have this day served copies of these comments and attachments upon all parties of record in this proceeding by depositing them in the United States Mail, properly addressed and First-Class postage prepaid

 13 Mar 2010

Andrew Morris

Date

Parties Served

For Chicago Terminal Railroad:

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Mr. James H.M. Savage
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Washington, DC 20006

For the City of Chicago:

Mr Thomas F. McFarland
Thomas F. McFarland, P.C
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CERTIFICATE OF SERVICE

I certify that I have this day served copies of these comments and attachments upon all parties of record in this proceeding by depositing them in the United States Mail, properly addressed and First-Class postage prepaid

Andrew Morris 13 Mar 2010

Andrew Morris

Date

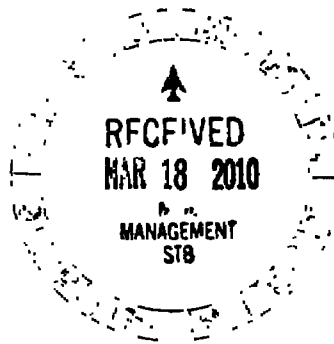
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Andrew R. Morris
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March 13, 2010

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

In re: *The City of Chicago, Illinois—Adverse Abandonment—Chicago Terminal
Railroad in Chicago, Illinois* (STB Docket No. AB-1036)

Dear Sir or Madam

Enclosed herewith for filing are one original and ten copies of comments regarding the
above-captioned proceeding now before the Board.

Yours very truly,

A handwritten signature in black ink that reads "Andrew Morris". The signature is written in a cursive, flowing style.

Andrew Morris
Upon his own behalf

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